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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SARABJIT KAUR THIND,

Plaintiff,

v.

EMILIO T. GONZALES, Director, United States
Citizenship and Immigration Services,

Defendant.

Case No. 07-3959-MJJ

ANSWER

The Defendant hereby submit his answer to Plaintiff's Complaint For Declaratory
Judgment and Injunction.

1. Paragraph One consists of plaintiff's allegation regarding jurisdiction, to which no
responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
the defendant denies that this Court has jurisdiction under any of the provisions cited in Paragraph
One.

2. The defendant admits the allegations in Paragraph Two.

3. The defendant admits the allegations in Paragraph Three.

4. The defendant admits the allegations in Paragraph Four.

5. The defendant admits the allegations in Paragraph Five, but asserts that the USCIS
reopened the petition and cannot adjudicate the petition until all required background checks are

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1 completed.

2 6. The defendant admits the allegations in Paragraph Six.

3 7. The defendant admits the allegations in Paragraph Seven.

4 8. The defendant admits the allegations in Paragraph Eight.

5 9. The allegations in Paragraph Nine consist of legal arguments, to which no responsive
6 pleading is required; however, to the extent a responsive pleading is deemed to be required, the
7 defendants deny the allegations in Paragraph Nine.

8 Plaintiff's prayer to the court contained in Paragraphs One through Four on page 3 contains
9 characterizations of the relief sought by plaintiff for which no answer is necessary. To the extent
10 that an answer is necessary, defendant denies the assertions made in Paragraphs One through Four.

11
12 **FIRST AFFIRMATIVE DEFENSE**

13 The plaintiff's complaint fails to state a claim upon which relief may be granted.

14 **SECOND AFFIRMATIVE DEFENSE**

15 The defendant's decision is not subject to review pursuant to 8 U.S.C. § 1252(a)(2)(B).

16 WHEREFORE, defendant prays for relief as follows:

17 That judgment be entered for defendant and against plaintiff, dismissing plaintiff's
18 complaint with prejudice; that plaintiff take nothing; and that the Court grant such further relief as
19 it deems just and proper under the circumstances.

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21 Dated: October 2, 2007

Respectfully submitted,

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23 SCOTT N. SCHOOLS
United States Attorney

24 /s/
25 EDWARD A. OLSEN
26 Assistant United States Attorney
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